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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
To Revise Its Electric Marginal Costs, Revenue
Allocation, and Rate Design. (U 39 M)

Application 06-03-005
(Filed March 2, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING ON THE
VOTE SOLAR INITIATIVE'S NOTICE OF INTENT
TO CLAIM COMPENSATION**

1. Summary

Article 5 of the Public Utilities Code¹ provides for compensation to public utility customers for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs of participation or intervention in any proceeding of the Commission. Pursuant to § 1804(a), the Vote Solar Initiative (Vote Solar) has filed a notice of intent (NOI) to claim such compensation. There were no responses by other parties. This ruling determines that Vote Solar is eligible to claim compensation in this proceeding.

2. Timeliness of Filing

Under § 1804(a)(1), "[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation." The

¹ All statutory references are to the Public Utilities Code.

prehearing conference was held on May 3, 2006. Vote Solar timely filed its NOI on June 2, 2006.

3. Customer Status

To be eligible for compensation, a participant in a formal Commission proceeding must establish that it is a “customer” according to one of three definitional categories set forth in § 1802(b)(1):

“Customer” means any of the following:

- (A) A participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission.
- (B) A representative who has been authorized by a customer.
- (C) A representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, or to represent small commercial customers who receive bundled electric service from electrical corporations.”

Decision (D.) 98-04-059 (Conclusion of Law 5) requires a participant seeking compensation to explain how it meets the definition of customer. Vote Solar claims customer status under Category (B), as defined above, and has provided evidence that it is authorized to represent a customer in this proceeding. Vote Solar has previously been determined to be a customer under this category. This ruling affirms that Vote Solar is a customer as defined by § 1802(b)(1)(B).

4. Nature and Extent of Planned Participation; Estimate of Compensation

Section 1804(a)(2)(A) requires that the NOI include both a statement of the nature and extent of a customer’s planned participation and an itemized estimate

of the compensation that the customer expects to request. Vote Solar has provided the required information.

Vote Solar indicates that it will participate in this proceeding by attending workshops, preparing written testimony, presenting witnesses, reviewing documents and filing briefs. Vote Solar plans to address the tariffs that will impact Pacific Gas and Electric Company (PG&E) customers using renewable energy resources, including but not limited to, PG&E's residential time of use rates, the current A-6 tariff and other tariffs that may promote or hinder the use of renewable resource technologies used by PG&E customers. Vote Solar has provided an itemized \$71,500 estimate of compensation that it expects to request in this proceeding.

Vote Solar's estimate of compensation does not appear to be unrealistic for extensive participation in a marginal cost, revenue allocation and rate design proceeding for a major electric utility. Under § 1804(c), after issuance of a final order or decision in this proceeding, an eligible customer may request an award of compensation by including at a minimum a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding. Pursuant to § 1804(e), if the Commission finds that the customer requesting compensation has made a substantial contribution, it will determine the amount of compensation to be paid to the customer.

Vote Solar has addressed the Commission's requirement to discuss its representation of interests, as described in D.98-04-059² and § 1801.3(f), indicating it will address issues related to customers using renewable resources.

² D.98-04-059, *mimeo*, at pp. 27-28 and Finding of Fact 13.

Vote Solar should, to the extent possible, work cooperatively with other parties, and is reminded that substantial duplication of effort could potentially lead to a reduction in any award of compensation for which it might otherwise be entitled.

5. Significant Financial Hardship

Under § 1804(a)(2)(B), a showing of significant financial hardship may be made in the NOI or deferred until the request for compensation is filed.

Pursuant to § 1804(b)(1), a finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other Commission proceedings commencing within one year of the date of that finding.

Within a year prior to PG&E's application filing date of March 2, 2006, a rebuttable presumption of eligibility has been established for Vote Solar, by ruling dated September 19, 2005, in Application 05-05-023. There were no responses to the presumption of eligibility for this proceeding.

IT IS RULED that:

1. The Vote Solar Initiative (Vote Solar) timely filed a notice of intent to claim compensation in this proceeding.
2. Vote Solar is a customer as defined by § 1802(b)(1)(B).
3. Vote Solar has fulfilled the requirements of § 1804(a)(2)(A) by providing statements of the nature and extent of its planned participation and an itemized estimate of the compensation it expects to request.
4. Significant financial hardship Vote Solar has been shown by a rebuttable presumption of eligibility based upon an earlier finding of significant financial hardship.
5. Vote Solar is eligible for compensation in this proceeding.

Dated June 28, 2006, at San Francisco, California.

/s/ DAVID K. FUKUTOME

David K. Fukutome
Administrative Law Judge

INFORMATION REGARDING SERVICE

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Dated June 28, 2006, at San Francisco, California.

/s/ ANTONINA V. SWANSEN

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